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Amendment Dated: October 11, 2005

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### **REMARKS / ARGUMENTS**

During the interview with the Examiner and the Examiner's Supervisor, the Applicant understood that further structure is required in claim 101 in order to distinguish the positioning device from the needle/syringe arrangement disclosed in the prior art cited by the Examiner. Please amend claim 101, and add new claim 118, as put forward herewith. Claims 1-100 and 110-117 are cancelled.

The Examiner indicated that the limitation of claim 108 (relating to a catheter), would provide such a structural distinction. With this amendment, the Applicant has amended claim 101 to provide additional structural limitations in the positioning device component of the sampling device. These limitations should serve to distinguish the sampling device from the prior art. In particular, a needle and syringe arrangement does not include "an attachment region" disposed on it, as now specified in claim 101. Nor does a needle and syringe arrangement allow an attachment region to be "permanently attachable" to the animal or animal tissue in order to be immobilized during sampling, all of which is now recited in claim 101. In fact, a needle and syringe arrangement is never immobilized with respect to the sample, but relies on the steady hand of a user to maintain a consistent position. When sampling from animals, a user trying to hold a needle and syringe arrangement in place on a conscious animal over a sampling period would have very little likelihood of success. This is one of the advantages of the invention, that immobilization can now occur and thus permitting more consistent sampling over time.

The amendments to claim 1 as now put forward are fully supported by the description, claims and drawings as filed. Exemplary passages of support are provided below.

The amendment made to claim 101 is supported by the specification and claims as originally filed. Specifically, from page 10 (line 31) to page 11 (line 2), the positioning device for guiding the at least partially coated end of the fibre into position within the animal or animal tissue is discussed. Later at page 12 (lines 4 to 15), embodiments of the positioning device are discussed. Further discussion of the positioning device can be found at page 13 (lines 11 to 14). Figure 1 illustrates an embodiment of the invention that can be used with a positioning device, wherein the fibre is attached to a handle (8) for movement and to promote positioning, for example within a catheter. The catheter is clearly shown to comprise a casing. There is discussion of the positioning device at page 21, lines 8 to 10. As discussed on page 31, Figure 15 illustrates a positioning device that may be used with a plurality of fibres. Other passages

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in the description also support the amendment made to claim 101. In Figures 1 and 2 (discussed on pages 17) shows an embodiment in which a previously placed medical catheter is used as a positioning device. In this embodiment, the catheter tubing would be considered a casing, and the support wire (2) may be considered as a fiber holding region, as it is stated at page 17 (line 10-12) that the extraction device is pushed partly into the catheter by means of the support wire 2, which illustrates how the fiber holding region is movable with respect to the casing to move the coated end of the fiber into or out of the animal tissue. Figure 2 illustrates how the fibre extends through the casing according to this embodiment. The discussion of figures 1 and 2 illustrate that the catheter, possibly previously placed into an animal, is permanently in place during sampling. As with such devices as medical catheters, the positioning device may eventually be removed from the animal or tissue.


New claim 118 is supported by the specification as filed. Figures 1 and 2 illustrate the embodiment in which a medical catheter (or casing) is used. Additionally, a needle is shown to illustrate an embodiment wherein the needle houses the fibre. Description of these embodiments as shown on page 17 clearly indicate use of a needle to house the fibre.

Applicant believes that no fee is due with this submission, but nevertheless authorizes the Commissioner to debit any required fee from or credit any overpayment to Deposit Account No. 501593, in the name of Borden Ladner Gervais LLP.

It is submitted that this application is in condition for allowance. Early and favorable consideration is respectfully requested.

Respectfully submitted,

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